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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 MARIO ORTEGA, *et al.*,
12 Plaintiffs,

13 v.

14 AMERICAN HONDA MOTOR CO., *et*
15 *al.*,
16 Defendants.
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Case No. 2:22-cv-04276-FLA (MRWx)

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED FOR LACK OF
SUBJECT MATTER JURISDICTION**

1 Federal courts are courts of “limited jurisdiction,” possessing only “power
2 authorized by the Constitution and statute[.]” *Kokkonen v. Guardian Life Ins. Co. of*
3 *Am.*, 511 U.S. 375, 377 (1994); U.S. Const. art. III, § 2, cl. 1. Courts are presumed to
4 lack jurisdiction unless the contrary appears affirmatively from the record. *See*
5 *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342 n. 3 (2006). Additionally, federal
6 courts have an obligation to examine jurisdiction *sua sponte* before proceeding to the
7 merits of a case. *See Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999).

8 Of relevance here, claims filed under the Magnuson-Moss Warranty Act do not
9 trigger federal question jurisdiction unless the amount in controversy is equal to or
10 greater than “the sum or value of \$50,000 (exclusive of interests and costs) computed
11 on the basis of all claims to be determined in [the] suit.” 15 U.S.C. § 2310(d)(3)(B);
12 *Khachatryan v. BMW of N. Am., LLC*, Case No. 2:21-cv-01290-PA (PDx), 2021 WL
13 927266, at *2 (C.D. Cal. Mar. 10, 2021). Courts strictly construe the removal statute
14 against removal jurisdiction, and “[f]ederal jurisdiction must be rejected if there is any
15 doubt as to the right of removal in the first instance.” *Gaus v. Miles, Inc.*, 980 F.2d
16 564, 566 (9th Cir. 1992). The party seeking removal bears the burden of establishing
17 federal jurisdiction. *Id.* Where a party contests, or a court questions, a party’s
18 allegations concerning the amount in controversy, both sides shall submit proof, and
19 the court must decide whether the party asserting jurisdiction has proven the amount
20 in controversy by a preponderance of the evidence. *Id.* at 88–89; *see* Fed. R. Civ. P.
21 12(h)(3) (“If the court determines at any time that it lacks subject-matter jurisdiction,
22 the court must dismiss the action.”).


23 The court has reviewed the Complaint and is presently unable to conclude it has
24 subject matter jurisdiction over this action under 28 U.S.C. § 1332(a). Accordingly,
25 the parties are ORDERED to SHOW CAUSE, in writing only, within fourteen (14)
26 days from the date of this Order, why this action should not be dismissed for lack of
27 subject matter jurisdiction. The parties are encouraged to submit evidence and/or
28 judicially noticeable facts in response to the court’s Order. Responses shall be limited

1 to ten (10) pages in length. The parties should consider this Order to be a two-
2 pronged inquiry into the facial and factual sufficiency of Plaintiff's demonstration of
3 jurisdiction. *See Leite v. Crane Co.*, 749 F.3d 1117, 1122 (9th Cir. 2014).

4 As Plaintiff is the party asserting federal jurisdiction, Plaintiff's failure to
5 respond timely and adequately to this Order shall result in dismissal of the action
6 without further notice.

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8 IT IS SO ORDERED.

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10 Dated: June 24, 2024

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13 FERNANDO L. AENLLE-ROCHA
14 United States District Judge
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